

REMARKS

Claims 1-20 and 23 are pending. Claim 1 has been amended. The amendment is supported by the specification, e.g., page 9, lines 13-16 of the specification. No new matter has been presented.

Applicant initially requests complete entry of the preliminary amendment dated January 24, 2005. In that amendment, the specification was amended, in addition to the claims, to include various sub-headings. While the amendment to the claims was entered as evidenced by the published application, the amendment to the specification does not appear to have been entered. Complete entry of the preliminary amendment to the specification is respectfully requested.

Claims 1, 4-14, 20 and 23 are rejected under 35 USC 102(e) as being anticipated by Tsukamoto. This rejection is respectfully traversed.

Claim 1, as amended, specifies that 1) a customer request to supply one or more digital files is received from a remote client terminal associated with the customer via the data communication network, 2) the requested one or more digital files is supplied from the data bank to the client terminal via the data communications network, and 3) the one or more digital files are recorded by the client terminal on the recordable medium. By way of illustration, as shown in Fig. 3 of this application, a customer operating a client terminal 20 sends a request for one or more digital files over a network 22 to a retailer sever 24, which in turn forward the request to the content owner server 23. The requested one or more digital files are then supplied from the data bank 7 to the client terminal 20 over the network and downloaded onto the recordable medium 21. These features are not disclosed by Tsukamoto.

Tsukamoto discloses a movie rental system in which a customer's recordable media communicates with a rental server located at the rental operator's premises rather than a remote client terminal as claimed. Specifically, as shown in Figs. 3 and 18 of Tsukamoto, a management center 160 manages a plurality of rental business operators 3 to rent movies to users for a

predetermined rental period. The user physically carries the recordable medium 166 to the rental business operator 3 and connects it to the server 162. Tsukamoto, para. [0137]. After the management center 160 authenticates the user's recordable medium 166 and an accompanying IC card through the server 162, the server 162 encrypts and stores movie data on the user's recordable medium 166 after the user pays the rental fee to the rental store. Tsukamoto, para. [0139] and [0140].

Accordingly, unlike the claimed invention, Tsukamoto's system does not receive a user request for a digital file from a remote client terminal associated with the user. Also, unlike the claimed invention, Tsukamoto's system does not supply the requested file from the data bank to the remote client terminal associated with the user. Claim 1 is therefore allowable. Claims 4-14, 20 and 23 depend from claim 1 and are allowable for at least the same reason.

Claims 2 and 3 are rejected under 35 USC 103(a) as being unpatentable over Tsukamoto. Claims 15-19 are rejected under 35 USC 103(a) as being unpatentable over Tsukamoto in view of Simmons. These rejections are respectfully traversed.

Claims 2, 3 and 15-19 depend from claim 1. Tsukamoto fails to disclose the features of claim 1 as discussed above and Simmons fails to overcome the shortcoming of Tsukamoto. Accordingly, claims 2, 3 and 15-19 are allowable.

In view of the above, this application is in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection

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